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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 09/454,755
Filing Date: December 06, 1999
Appellant(s): NISHIURA, SACHIKO

APR 18 2007

Technology Center 2600

. Lisa C. Childs
For Appellant

EXAMINER'S ANSWER

This is a revised response to the appeal brief filed 5/5/2006 appealing from the Office

action mailed 9/7/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,926,185	**VYNCKE ET AL**	**7-1999**
5,583,542	**CAPPS ET AL**	**12-1996**
5,559,950	**CANNON**	**9-1996**

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

9.1   Claims 1-2; 6-11, 15-18 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Vyncke et al. (5,926,185).

9.2   As per claim 10, Vyncke et al., hereinafter Vyncke, discloses a method for converting an original set of source objects by reducing the number of objects required to display a description document, said method comprising a generating means for generating a set of new objects, from said original set of source objects in the document, a number of new objects in said set of new objects being fewer than a number of objects in said original set of source objects, said fewer objects obtaining a display image equivalent to the display of an image obtained from said original set of source objects ("Objects with multiple attributes like a fill and a stroke are represented as one object in most graphics art editors, but during PostScript export they get broken into multiple objects, one for the fill and one for the stroke. By merging the two objects together to create a single object with multiple attributes, the file is optimized", column 5, line 22-27).

Wherein said generating step generates said new objects from a semi-transparent source object and other source objects located at a layer lower than a layer including said semi-transparent source object and spatially overlapping said semi-

transparent source object ("the objects in the sequence must be all opaque (solid) or all

transparent", column 9, line 42-43),

wherein said generating step generates a new merged object including at least a

first source object having an area and a second object having an area and

superimposed on said first source object ("By merging the two objects together to create

a single object with multiple attributes, the file is optimized", column 5, line 25-27;

certain objects hide other objects ... Fig. 8a shows an example of a rectangle 206 which

completely covers a square 208 ... Although the circle completely covers a triangle 212,

the circle is not opaque (solid), so the triangle is not actually hidden but shows through"

(column 8, line 27-57), thus, the objects can have area).

9.3   As per claim 11, Vyncke demonstrated all the elements as applied in the

rejection of independent claim 10, supra, and further discloses said generating step

deletes source objects hidden spatially behind another source object which is not semi-

transparent ("To merge the two objects, the stroke is transferred to the back object and

the top object is deleted", column 5, line 39-41).

9.4   As per claim 15, Vyncke demonstrated all the elements as applied in the

rejection of independent claim 10, supra, and further discloses a step of storing said set

of new objects to a storage medium (Figure 1 104).

9.5.   As per claim 16, Vyncke demonstrated all the elements as applied in the
rejection of independent claim 10, supra, and further discloses a step of selectively
storing said set of source objects or said set of new objects to a storage medium (Figure
1 100).

9.6   As per claim 17, Vyncke demonstrated all the elements as applied in the
rejection of independent claim 10, supra, and further discloses a step of displaying said
set of new objects ("the output device may be a display screen", column 1, line 35).

9.7   As per claim 18, Vyncke demonstrated all the elements as applied in the
rejection of independent claim 10, supra, and further discloses a step for selectively
displaying said set of source objects or said set of new objects (Figure 7b is a selecting
process).

9.8   As per independent claim 1, since it is directed to an apparatus for performing
the method of independent claim 10, and therefore is similarly rejected as independent
claim 10.

       Regarding the "means plus function" language, the means refer to the software
methods executed on generically disclosed hardware explicitly disclosed by Vyncke. It
is further noted that both software and hardware means are functionally equivalent.

9.9   As per claim 2, Vyncke demonstrated all the elements as applied in the rejection
of independent claim 1, supra, and further discloses said generating means deletes
source objects hidden spatially behind another source object which is not semi-
transparent ("To merge the two objects, the stroke is transferred to the back object and
the top object is deleted", column 5, line 39-41).

9.10   As per claim 6, Vyncke demonstrated all the elements as applied in the rejection
of independent claim 1, supra, and further discloses a means for storing said set of new
objects to a storage medium (Figure 1 104).

9.11   As per claim 7, Vyncke demonstrated all the elements as applied in the rejection

of independent claim 1, supra, and further discloses a means for selectively storing said

set of source objects or said set of new objects to a storage medium (Figure 1 100).

9.12   As per claim 8, Vyncke demonstrated all the elements as applied in the rejection

of independent claim 1, supra, and further discloses a means for displaying said set of

new objects, wherein said apparatus is used as a browser ("the output device may be a

display screen", column 1, line 35, and Figure 7B is a browsing process).

9.13   As per claim 9, Vyncke demonstrated all the elements as applied in the rejection

of independent claim 1, supra, and further discloses a means for selectively displaying

said set of source objects or said set of new objects, wherein said apparatus is used as

a browser (Figure 7B is a browsing process).

9.14   As per claim 28, Vyncke discloses an apparatus for converting an original set of

source objects by reducing the number of objects required to display a description

document, said apparatus comprising a generating means for generating a set of new

objects, from said original set of source objects in the document, a number of new

objects in said set of new objects being fewer than a number of objects in said original

set of source objects, said fewer objects obtaining a display image equivalent to the

display of an image obtained from said original set of source objects ("Objects with

multiple attributes like a fill and a stroke are represented as one object in most graphics

art editors, but during PostScript export they get broken into multiple objects, one for the

fill and one for the stroke. By merging the two objects together to create a single object

with multiple attributes, the file is optimized", column 5, line 22-27).

Wherein said generating means generates said new objects from a semi-transparent source object and other source objects not semi-transparent and located at a layer lower than a layer including said semi-transparent source object and spatially overlapping said semi-transparent source object (Figure 8a where 210 is a semi-transparent circle and 212 a triangle- "Although the circle completely covers a triangle 212, the circle is not opaque (solid), so the triangle is not actually hidden but shows through" (column 8, line 27-57), so the new object contains both circle 210 and triangle 212),

wherein said generating means generates a new merged object including at least a first source object and a second object superimposed on said first source object ("By merging the two objects together to create a single object with multiple attributes, the file is optimized", column 5, line 25-27; certain objects hide other objects ... Fig. 8a shows an example of a rectangle 206 which completely covers a square 208 ..." (column 8, line 27-57), thus, the objects can have area).

9.15   As per claim 29, Vyncke discloses an apparatus for converting an original set of source objects by reducing the number of objects required to display a description document, said apparatus comprising a generating means for generating a set of new objects, from said original set of source objects in the document, a number of new objects in said set of new objects being fewer than a number of objects in said original set of source objects, said fewer objects obtaining a display image equivalent to the display of an image obtained from said original set of source objects ("Objects with multiple attributes like a fill and a stroke are represented as one object in most graphics

art editors, but during PostScript export they get broken into multiple objects, one for the fill and one for the stroke. By merging the two objects together to create a single object with multiple attributes, the file is optimized", column 5, line 22-27).

Wherein said generating means generates said new objects from a semi-transparent source object and other source objects not semi-transparent and located at a layer lower than a layer including said semi-transparent source object and spatially overlapping said semi-transparent source object (Figure 8a where 210 is a semi-transparent circle and 212 a triangle- "Although the circle completely covers a triangle 212, the circle is not opaque (solid), so the triangle is not actually hidden but shows through" (column 8, line 27-57), so the new object contains both circle 210 and triangle 212),

wherein said generating means generates a new merged object including at least a first source object and a second object superimposed on said first source object ("By merging the two objects together to create a single object with multiple attributes, the file is optimized", column 5, line 25-27; certain objects hide other objects ... Fig. 8a shows an example of a rectangle 206 which completely covers a square 208 ..." (column 8, line 27-57), thus, the objects can have area).

9.16   As per claim 30, Vyncke discloses a computer program for causing a computer to execute a method for converting an object display description document by reducing the number of objects required for the display, said method comprising a generating step of generating, from an original set of source objects in the document, a set of new objects which are fewer than a number of said objects forming said original set of source

objects, in order to obtain a display image equivalent to the display image obtained from said original set of source objects ("Objects with multiple attributes like a fill and a stroke are represented as one object in most graphics art editors, but during PostScript export they get broken into multiple objects, one for the fill and one for the stroke. By merging the two objects together to create a single object with multiple attributes, the file is optimized", column 5, line 22-27).

wherein said generation means generates new objects from a semi-transparent source object and other source objects not semi-transparent and located at a layer lower than a layer including said semi-transparent source object and spatially overlapping said semi-transparent source object (Figure 8a where 210 is a semi-transparent circle and 212 a triangle- "Although the circle completely covers a triangle 212, the circle is not opaque (solid), so the triangle is not actually hidden but shows through" (column 8, line 27-57), so the new object contains both circle 210 and triangle 212),

wherein said generating means generates a new merged object including at least a first source object and a second object superimposed on said first source object ("By merging the two objects together to create a single object with multiple attributes, the file is optimized", column 5, line 25-27).

Claim Rejections - 35 USC § 103

9.17   Claims 19-20 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vyncke et al.

9.18   As per claims 19-20 and 24-27, these are directed to computer program

performing the method of claims 10-11 and 15-18, respectively. Although Vyncke is

silent to the limitation of a "computer program" performing the method of claims 10-11

and 15-18, however, since Vyncke's disclosure is useful in computer graphics

processing, it is obvious that his method can be executed in the form of computer

program in order to process graphical objects in a computer system. Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to incorporate the teaching of Vyncke and make them into software program to run the

process and, therefore, are similarly rejected as claims 10-11 and 15-18, respectively.

9.19   Claims 4, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Vyncke et al. as applied to claim 1 above, and further in view of Cannon

(5,559,950)

As per claim 13, Vyncke demonstrated all the elements as applied to the

rejection of independent claim 10, supra.

Vyncke discloses a method of optimizing graphical objects. It is noted that

Vyncke does not explicitly disclose "generation of said new object from said semi-

transparent source object and said other source objects is performed for a time range in

which said semi-transparent source object spatially overlaps said other source objects",

however, this is known in the art as taught by Cannon. Cannon discloses an animated

display system in which for a time range the semi-transparent source object spatially

overlaps the background object (Figure 5).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cannon into Vyncke because Vyncke discloses a method of optimizing graphical objects and Cannon discloses a system to spatially overlap transparent animated objects to other objects in order to increase the animation speed.

9.20   As per claim 4, Vyncke demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Vyncke discloses a generating means for optimizing graphical objects. It is noted that Vyncke does not explicitly disclose "generation of said new object from said semi-transparent source object and said other source objects is performed for a time range in which said semi-transparent source object spatially overlaps said other source objects", however, this is known in the art as taught by Cannon. Cannon discloses an animated display system in which for a time range the semi-transparent source object spatially overlaps the background object (Figure 5).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cannon into Vyncke because Vyncke discloses a generating means for of optimizing graphical objects and Cannon discloses a system to spatially overlap transparent animated objects to other objects in order to increase the animation speed.

Regarding the "means plus function" language, the means refer to the software methods executed on generically disclosed hardware explicitly disclosed by Vyncke. It is further noted that both software and hardware means are functionally equivalent.

9.21   As per claim 22, these are directed to computer program performing the method
of claim 13. Since Vyncke's disclosure is useful in computer graphics processing, it is
obvious that his method can be executed in the form of computer program in order to
process graphical objects. Thus, it would have been obvious to one of ordinary skill in
the art at the time the invention was made to incorporate the teaching of Vyncke and
make them into software program to run the process and, therefore, is similarly rejected
as claim 13.

9.22   Claims 5, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Vyncke et al. as applied to claim 1 above, and further in view of Capps et al.
(5,583,542).

As per claim 14, Vyncke demonstrated all the elements as applied to the
rejection of independent claim 10, supra.

Vyncke discloses a method of optimizing graphical objects. It is noted that
Vyncke does not explicitly disclose "generating means deletes a source object when a
display time for said source object is out of a display time range for said set of source
objects", however, this is known in the art as taught by Capps et al., hereinafter Capps.
Capps discloses an object deleting method in which "the object O could be deleted after
the animation sequence", column 17, line 26.

Thus, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to incorporate the teaching of Capps into Vyncke because Vyncke
discloses a method of optimizing graphical objects and Capps discloses the displayed
objects can be deleted after certain time range in order to simplify the process.

9.23   As per claim 5, Vyncke demonstrated all the elements as applied to the rejection

of independent claim 1, supra.

Vyncke discloses a generating means for optimizing graphical objects. It is noted

that Vyncke does not explicitly disclose "generating means deletes a source object

when a display time for said source object is out of a display time range for said set of

source objects", however, this is known in the art as taught by Capps et al., hereinafter

Capps. Capps discloses an object deleting method in which "the object O could be

deleted after the animation sequence", column 17, line 26.

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Capps into Vyncke because Vyncke

discloses a generating means for optimizing graphical objects and Capps discloses the

displayed objects can be deleted after certain time range in order to simplify the

process.

9.24   As per claim 23, these are directed to computer program performing the method

of claim 14. Since Vyncke and Cannon's disclosure are useful in computer graphics

processing, it is obvious that his method can be executed in the form of computer

program in order to process graphical objects. Thus, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to incorporate the teaching

of Vyncke and Cannon, and make them into software program in order to run the

process and, therefore, is similarly rejected as claim 13.

(10) **Response to Argument**

Applicant alleges Vyncke does not teach a semi-transparent first object, therefore the invention overcome the prior art. In reply, Examiner considers the teaching "Such opaque or masking objects have a fill attribute that fully masks the background without any translucency or transparency" (column 8, line 43-46). Examiner contends that since Vyncke talks about opaque in the context of translucency and transparency, and since translucent has the meaning of both semi-transparent and transparent, one would anticipate that non-opaque includes semi-transparent. On the other hand, by looking at Figure 8a of Vyncke, if Vyncke only means opaque and transparent, one would see only solid line objects because they are either on top of an object or under a transparent object. Dashed line objects means that they are under a semi-transparent object.
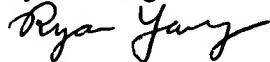
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Yang

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